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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Applicant(s) 10/533,111 OOI, TAKUYA Office Action Summary Examiner Art Unit YOUPAPORN NILANONT 4121 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) Claim(s) 1-17 is/are rejected. 7) Claim(s) 1 and 3-17 is/are objected to. 8) Claim(s) _____ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 28 April 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.

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DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities:

- the term "MPET-TS" on page 19, line 27 should be --MPEG-TS--;
- the term "master apparatus 13" on page 26, line 27 should be --slave apparatus 13-- as disclosed in figure 1.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

"information processing apparatus" cited in claim 1 and claims 3-17 is inconsistent with the specification and has been construed as either "synchronization master apparatus" cited on page 10 line 12 or "synchronization slave apparatus" cited on page 11 line 2;

"synchronization control data" cited in claims 1, 3-5, 7, 10-12, and 16-17 is inconsistent with the specification and has been construed as "synchronization control frame" as cited on page 14 line 19;

"generation means" cited in claims 1 and 5 is inconsistent with the specification and has been construed as "synchronization frame processing section 91" as cited on page 14 line 17;

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"counter value" cited in claims 8, 9, 14, and 15 is inconsistent with the specification and has been construed as "MPEG packet counter value" as cited on page 14 line 27;

"transmission means," "control data transmission means," and "data transmission means" cited in claims 1, 5, 8, and 14 are inconsistent with the specification and have been construed as "network communication section 85" cited on page 14 line 23 and page 15 line 20, 25 since the "network communication section 85," as described, transmits control frame to slave apparatuses;

"transmission resetting means" cited in claim 1 is inconsistent with the specification and has been construed as "counter resetting section 104" as cited on page 18 line 14;

"acquisition means" cited in claims 9 and 15 is inconsistent with the specification and has been construed as "counter value acquisition section 243" as cited on page 31 line 21-22:

Claim Construction

The following terms which incorporate "means" have not been construed under the provisions of 35 U.S.C. $112 - 6^{th}$ paragraph because they do not include a corresponding "for" modifier:

"generation means," "transmission means," "transmission resetting means," "data determining means," and "reception resetting means" of claim 1;

"counter determining means" of claim 2:

"generation means," "control data transmission means," and "reset means" of claim 5;

"counter determining means" of claim 7:

"adding means" and "data transmission means" of claim 8;

"acquisition means," "time determining means," and "data processing means" of claim 9:

"data determining means" and "reset means" of claim 12;

"adding means" and "data transmission means" of claim 14; and

"acquisition means," "time determining means," and "data processing means" of claim 15.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 5, 8, and 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, 5, 10, 12, 16, 17 recite "the value of a reception clock counter", "the value of said transmission clock counter", "the value of a transmission clock counter", "the value of a clock counter" which lack proper antecedent basis. For purposes of examination, they were construed as referring to a value of clock cycles counted by a counter of an information processing apparatus.

Claims 10, 11, 16, and 17 recite "the process of said generation step" which lacks proper antecedent basis. For purposes of examination, it was construed as "said generation step" cited within each of the claims itself.

Claim 13 recites "said other information processing apparatus" which lacks proper antecedent basis. For purposes of examination, it was construed as said "another information processing apparatus" as cited in claim 12 which claim 13 depends on.

Claim 16 recites "said information processing apparatus" which lacks proper antecedent basis since it is the first time it is recited in this claim 16 and the claim does not depend on another claim that recites such term.

Claim 17 recites "said information processing apparatus" which lacks proper antecedent basis. For purposes of examination, it was construed as said "information apparatus" as cited on second line of claim 17.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 11 and 17 recite programs "for causing a computer to execute" processes without claiming that such programs are recorded on any physical computer-readable media. Computer programs claimed as computer listings per se, i.e., the descriptions or expression of the programs, are not physical "things." They are neither computer

components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. See MPEP 2106.01 Section I. Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 10-13, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Voth (U.S. Patent No. 6,199,169).

With respect to claim 1, the Voth reference teaches a communications system in which data is communicated between a first information processing apparatus and a second information processing apparatus which are interconnected by a network (see Voth Figure 1), characterized by comprising: said first information processing apparatus (see Voth "master node 102a" Column 4 Line 40) including a transmission clock counter that counts an internal transmission clock (see Voth Figure 2 "time clock 212"), generation means that generates, in a predetermined cycle (see Voth "creating...INFO message" Column 7 Lines 39-40), synchronization control data that instructs a reset of

the value of a reception clock counter that counts an internal reception clock of a second information processing apparatus (see Voth "time changes...included in INFO message 500" Column 7 Lines 48-49), transmission means that transmits said synchronization control data generated by said generation means to said second information processing apparatus (see Voth "sending an INFO message" Column 7 Line 39), and transmission resetting means that resets the value of said transmission clock counter after transmission of said synchronization control data by said transmission means is completed (see Voth column 15 Lines 45-47); and said second information processing apparatus (see Voth "slave nodes 102b-d" Column 4 Line 41) including said reception clock counter (see Voth "time clocks 212" Col. 5 Lines 8-10), and reception resetting means that resets the value of said reception clock counter (see Voth Column 4 Lines 57-58). Though the Voth reference does not explicitly disclose data determining means that determines whether or not data that is received is said synchronization control data, it is inherent that the Voth system requires means to distinguish INFO message and SYNC message, which is used to synchronize clocks, from other messages received.

With respect to claim 2, in addition to limitations of claim 1 in which claim 2 depends on, the way Voth reference determines whether the slave clocks lag or lead the master clock is obvious that all the clocks count values in the same range without having to explicitly state that said transmission clock counter and said reception clock counter count values in the same range. If the Voth clock counters count values that

are not in the same range, the result of the comparison will be meaningless in determining whether a slave clock lags or lead the master clock.

With respect to claim 4, the Voth reference teaches a communications method in which data is communicated between a first information processing apparatus and a second information processing apparatus, which are interconnected by a network (see Voth Figure 1), characterized in that: a communications method of said first information processing apparatus (see Voth "master node 102a" Column 4 Line 40) generates synchronization control data (see Voth "creating...INFO message" Column 7 Lines 39-40) that instructs a reset of the value of a reception clock counter that counts an internal reception clock of said second information processing apparatus (see Voth "time changes...included in INFO message 500" Column 7 Lines 48-49), transmits said generated synchronization control data to said second information processing apparatus (see Voth "sending an INFO message" Column 7 Line 39), and resets the value of a transmission clock counter that counts an internal transmission clock after transmission of said synchronization control data is completed (see Voth Column 15 Lines 45-47); and resets the value of said reception clock counter if said data is determined as said synchronization control data (see Voth Column 4 Lines 57-58). Though Voth reference does not explicitly disclose a communications method of said second information processing apparatus determines whether or not data that is received is said synchronization control data, it is inherent that the Voth system requires means to distinguish INFO message and SYNC message from other messages by checking for a flag in the data's header.

With respect to claim 5, the Voth reference teaches an information processing apparatus for transmitting/receiving data with another information processing apparatus connected thereto by a network (see Figure 1), characterized by comprising: a clock counter that counts an internal clock (see Figure 2 "time clock 212"); generation means that generates, in a predetermined cycle (see "creating...INFO message" Column 7 Lines 39-40), synchronization control data (see "time changes...included in INFO message 500" Column 7 Lines 48-49) that instructs a reset of the value of a clock counter of said another information processing apparatus (see "time changes by reinitializing their time clocks" Column 5 Lines 6-10); control data transmission means that transmits said synchronization control data generated by said generation means to said another information processing apparatus (see "sending an INFO message" Column 7 Line 39); and reset means that resets the value of said clock counter after transmission of said synchronization control data by said control data transmission means is completed (see column 15 Lines 45-47).

With respect to claim 6, as cited above, in addition to limitations of claim 5 in which claim 6 depends on, the way Voth reference determines whether the slave clocks lag or lead the master clock is obvious that all the clocks count values in the same range without having to explicitly state that said clock counter counts values in the same range as said clock counter of said another information processing apparatus. If the Voth clock counters count values that are not in the same range, the result of the comparison will be meaningless in determining whether a slave clock lags or lead the master clock.

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With respect to claim 10, the Voth reference teaches an information processing method for transmitting/receiving data with an information processing apparatus connected thereto by a network, characterized by comprising: a generation step that generates, in a predetermined cycle (see "creating...INFO message" Column 7 Lines 39-40), synchronization control data that instructs a reset of the value of a clock counter of said information processing apparatus (see "time changes...included in INFO message 500" Column 7 Lines 48-49 and "time changes by reinitializing their time clocks" Column 5 Lines 6-10); a control data transmission step that transmits said synchronization control data generated by the process of said generation step to said information processing apparatus (see "sending an INFO message" Column 7 Line 39); and a reset step that resets the value of a clock counter that counts an internal clock after transmission of said synchronization control data by the process of said control data transmission step is completed (see column 15 Lines 45-47).

With respect to claim 11, the Voth reference teaches all of its limitations as cited above since claim 11 recites a program that causes a computer to repeats all the limitations cited in claim 10. Claim 11, therefore, has been treated as a process claim and is anticipated by Voth reference for the same reasons as cited above.

With respect to claim 12, the Voth reference teaches an information processing apparatus for transmitting/receiving data with another information processing apparatus connected thereto by a network (see Figure 1, 6), characterized by comprising: a clock counter that counts an internal clock (see "time clocks 212" Col. 5 Lines 8-10); data determining means that determines whether or not data that is received is

Lines 57-58).

synchronization control data (Though the Voth reference does not disclose any means of determining synchronization control data, it is inherent that Voth's slave nodes requires a mean to distinguish between SYNC message, INFO message, and other data they receive), which instructs a reset of the value of said clock counter at the same time as a reset of the value of a clock counter of said another information processing apparatus (see "time changes...include in INFO message 500" Column 7 Lines 48-49); and reset means that resets the value of said clock counter if said data is determined as said synchronization control data by said data determining means (see Voth Column 4

With respect to claim 13, as cited above, in addition to limitations of claim 12 in which claim 13 depends on, the way Voth reference determines whether the slave clocks lag or lead the master clock is obvious that all the clocks count value in the same range without having to explicitly state that said transmission clock counter and said reception clock counter count values in the same range. If the Voth clock values are not in the same range, the result of the comparison will be useless in determining whether a slave clock lags or lead the master clock.

With respect to claim 16, the Voth reference teaches an information processing method, characterized by comprising: a data determining step that determines if data that is received is synchronization control data (Though the Voth reference does not disclose any step of determining synchronization control data, it is inherent, as cited above, that Voth's slave nodes requires a mean to distinguish between SYNC message, INFO message, and other data they receive), which instructs, at the same time as a

reset of the value of a clock counter of said information processing apparatus, a reset of the value of a clock counter that counts an internal clock (see "time changes...include in INFO message 500" Column 7 Lines 48-49); and a reset step that resets the value of said clock counter if said data is determined as said synchronization control data by the process of said data determining step (see Voth Column 4 Lines 57-58).

With respect to claim 17, the Voth reference teaches all of its limitations as cited above. Claim 17 recites a program that causes a computer to repeats all the limitations cited in claim 16. Claim 17, therefore, has been treated as a process claim and is anticipated by Voth reference for the same reasons as cited above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voth (U.S. Patent No. 6,199,169) in view of Zdepski (U.S. Patent No. 5,486,864).

With respect to claim 8, the Voth reference teaches the information processing apparatus according to claim 5 which claim 8 depends on. However, the Voth reference does not disclose adding means that adds a counter value to the header cited in claim 8. The Zdepski reference, on the other hand, teaches, the information processing apparatus characterized by further comprising: adding means (see Zdepski Figure 1 "Format 12") that adds to the header of said data, based on the value of said clock

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counter (see Zdepski Figure 1 "Counter 23" and "Latch 24"), a counter value indicating the timing at which said another information processing apparatus processes data (see Zdepski "count values are denoted presentation time stamps... included in the compressed video signal" Column 3 Lines 13-17); and data transmission means that transmits to said another information processing apparatus said data to which said counter value added by said adding means (see Zdepski Figure 1 "Modem 15" and Column 3 Lines 1-2). It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have employed Zdepski synchronization method in Voth system where each apparatus has its own local clock in order to enable the master node ability to instruct the slave nodes to output same images simultaneously across all slave nodes.

With respect to claim 14, the Voth reference teaches the information processing apparatus according to claim 12 which claim 14 depends on. However, Voth reference does not disclose the adding means that adds a value base on the clock counter to the data's header cited in claim 14. The Zdepski reference, on the other hand, teaches the information processing apparatus, characterized by further comprising: adding means (see Zdepski Figure 1 "Format 12") that adds to the header of said data, based on the value of said clock counter (see Zdepski Figure 1 "Counter 23" and "Latch 24"), a counter value indicating the timing at which said another information processing apparatus processes data (see Zdepski "count values are denoted presentation time stamps... included in the compressed video signal" Column 3 Lines 13-17); and data transmission means that transmits to said another information processing apparatus

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said data to which said counter value is added by said adding means (see Zdepski Figure 1 "Modem 15" and Column 3 Lines 1-2). It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have employed Zdepski synchronization means in Voth system where each apparatus has its own local clock in order to enable the master node ability to instruct the slave nodes to output same images simultaneously across all slave nodes.

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voth (U.S. Patent No. 6,199,169) in view of Nuber (U.S. Patent No. 5,598,415).

With respect to claim 9, the Voth reference teaches the information processing apparatus according to claim 5 which claim 9 depends on. However, Voth reference does not disclose the acquisition means that acquires a value from the header, the time determining means that determines if the clock counter of the apparatus equals to the acquired value, and a data processing means that process data when there is no difference between clock counter and the acquired values cited in claim 9. Conversely, Nuber reference teaches the information processing apparatus, characterized by further comprising: acquisition means that acquires a counter value (see Nuber Column 5 Lines 41-42), which indicates the timing at which data is processed, added by said another information processing apparatus (see Nuber Column 5 Lines 15-20); time determining means that determines whether or not the value of said clock counter reaches said counter value acquired by said acquisition means (see Nuber "Means responsive to the extracted PTS..." Column 5 Lines 44-48); and data processing means that processes said data if said data is determined by said time determining means that

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the value of said clock counter reaches said counter value (see Nuber Figure 4, ISO Data Extractor 110" and Column 10 Lines 64-67). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to have applied means for extracting presentation time stamp taught by Nuber in Voth system in order to enable the slave node to display same images at the same time as other slave nodes.

With respect to claim 15, the Voth reference teaches the information processing apparatus according to claim 12 which claim 15 depends on. However, Voth reference does not disclose all of the acquisition means that acquires a value from the header, the time determining means that determines if the clock counter of the apparatus equals to the acquired value, and a data processing means that process data when there is no difference between clock counter and the acquired values cited in claim 15. Conversely, the Nuber reference teaches the information processing apparatus, characterized by further comprising: acquisition means that acquires a counter value (see Nuber Column 5 Lines 41-42), which indicates the timing at which data is processed, added by said another information processing apparatus (see Nuber Column 5 Lines 15-20); time determining means that determines whether or not the value of said clock counter reaches said counter value acquired by said acquisition means (see Nuber "Means responsive to the extracted PTS..." Column 5 Lines 44-48); and data processing means that processes said data if said data is determined by said time determining means that the value of said clock counter reaches said counter value (see Nuber Figure 4, ISO Data Extractor 110" and Column 10 Lines 64-67). It would

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have been obvious to the person having ordinary skill in the art at the time the invention was made to have applied means for extracting presentation time stamp taught by Nuber in Voth system in order to enable the slave node to display same images at the same time as other slave nodes.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voth (U.S. Patent No. 6,199,169) in view of Sato (U.S. Patent No. 6,128,318).

With respect to claim 3, the Voth reference teaches the communications system according to claim 1, but it does not further disclose the counter determining means nor that the transmission means transmits control message when the counter is determined to be zero as cited in claim 3. The Sato reference, on the other hand, teaches communications system characterized in that: said first information processing apparatus further comprises counter determining means that determines whether or not the value of said transmission clock counter becomes zero; wherein if the value of said transmission clock counter is determined as to become zero by said counter determining means, said transmission means transmits said synchronization control data generated by said generation means to said second information processing apparatus (see Sato "reset signal is regularly asserted at a prescribed rate that is preferably a multiple of one cycle ..." Column 4 Lines 19-25). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to utilize Sato's teaching in predetermining when to send each synchronization message in Voth's system in order to synchronize clocks of every node effectively

without requiring an additional hardware to store the predetermined value to be compared with the current clock.

With respect to claim 7, the Voth reference teaches the information processing apparatus according to claim 5, but it does not further disclose the counter determining means nor that the transmission means transmits control message when the counter is determined to be zero as cited in claim 7. The Sato reference, on the other hand, teaches an apparatus characterized by further comprising: counter determining means that determines whether or not the value of said clock counter becomes zero; wherein if the value of said clock counter is determined as to become zero by said counter determining means, said control data transmission means transmits said synchronization control data generated by said generation means to said another information processing apparatus (see Sato "reset signal is regularly asserted at a prescribed rate that is preferably a multiple of one cycle ..." Column 4 Lines 19-25). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to utilize Sato's teaching in predetermining when to send each synchronization message in Voth's system in order to synchronize clocks of every node effectively without requiring an additional hardware to store the predetermined value to be compared with the current clock.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Mitra et al. reference teaches part of the concept of invention similar to the applicant's claimed invention. Mitra et al. teaches a synchronization method that broadcasts receiving side apparatuses a synchronization message, which resets the receiver's clock, included in MPEG frame. Mitra et al. also discloses the receiving end devices that have means for recognizing the synchronization message amongst other MPEG frames it received.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571)270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./ Youpaporn Nilanont Examiner, Art Unit 4121 July 18, 2008 /DAVID L. ROBERTSON/ Supervisory Patent Examiner Art Unit 4121